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THE MAMMA MIA! USA TOUR 2  
LIMITED PARTNERSHIP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE MAMMA MIA! USA TOUR 2	:	ECF CASE
LIMITED PARTNERSHIP, a New York	:	
Limited Partnership,	:	06 Civ. 6079 (RCC)
	:	
Petitioner,	:	
	:	
-against-	:	<b>DECLARATION OF</b>
	:	<b>KARA GEBHART</b>
	:	<b>IN REPLY TO</b>
THEATRICAL ARTS INTERNATIONAL, INC. and	:	<b>RESPONDENTS'</b>
THEATRICAL ARTS INTERNATIONAL	:	<b><u>OPPOSITION</u></b>
FOUNDATION, California corporations,	:	
	:	
Respondents.	:	
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**KARA GEBHART**, declares and says:

1. I am the Vice President of Operations for The Booking Group, a theatrical booking agency with its office at 145 West 45th Street, 8th Floor, New York, New York 10036. The Booking Group acts as booking agent for numerous theatrical road shows, including the popular musical "Mamma Mia!" under an agreement with Petitioner Mamma Mia! USA Tour 2 Limited Partnership ("Mamma Mia!") and Nina Lannan Associates, its General Manager.
2. Beginning in mid-2003, The Booking Group began negotiations with another booking agency, Harmony Artists, Inc., located in Los Angeles, California, which was acting as agent for Respondents Theatrical Arts International, for possible presentation of the "Mamma

Mia!" musical in February 2006 at the California Theatre in San Bernardino, California, where Respondents present theatrical shows.

3. At least three employees of The Booking Group were involved in these negotiations with Harmony Artists -- Tracey McFarland, Vice President for Sales, Laura Kolarik, Senior Contract Manager, and myself. In dealing with Harmony Artists, we three primarily communicated with its employee Adrienne Crane-Ross.

4. I have read the declaration of Joseph Henson, President of Theatrical Arts International, Inc. dated August 9, 2006, submitted in opposition to Mamma Mia!'s petition. To the best of my knowledge, no one at The Booking Group ever dealt or communicated with him directly in negotiating terms for the appearance of the "Mamma Mia!" show in San Bernardino. All negotiations were conducted with Harmony Artists, as the agent of Respondents.

5. The statements made by Mr. Henson in ¶ 5 of his declaration with regard to a supposed agreement made a year and half prior to 2006 on ticket prices which included season subscriber discounts is completely false.

6. The Booking Group, throughout all its negotiations with Harmony Artists, beginning in 2003, and continuing up to presentation of the show in February 2006, repeatedly informed Harmony Artists, in numerous emails, that Petitioner would not allow subscriber discounts on ticket prices and that this point was a deal breaker. Harmony Artists repeatedly responded that it understood that there would be no subscriber ticket discounts.

7. On at least two occasions during negotiations, The Booking Group sent Harmony Artists a two-page summary of "Deal Points" for the "Mamma Mia!" show which stated that "Ticket prices shall match the highest ticket scale ever in the market" and the only provision for discounts was for group discounts: "Group discount of 10% for groups of 20 people or more;

this discount is not valid on Friday/Saturday evenings." True copies of these two "Deal Points" memos dated November 19, 2002 and October 21, 2003, are attached as Exhibit 1.

8. Adrienne Crane-Ross of Harmony Artists repeatedly responded by email that it agreed and understood that there could be no subscriber discounts. When The Booking Group informed Adrienne Crane-Ross that another theatre in Respondents' area was interested in the show, she responded by email:

RE: Mama Mia--we knew going into this that there were no no [sic] discounts--straight ticket sales. 1720 capacity. They will not question any deal points and there is no subscription to come into play. SOOOOO Gp is GP [Gross Potential]. They will do ticket prices at what the producers approve. I am putting together a GP & expenses & will get it to you today. PLEASE don't give the show to Palm Desert instead.

Email dated June 11, 2003 from Adrienne Crane-Ross at Harmony Artists to Tracey McFarland at The Booking Group. A true copy of the email to Tracey McFarland containing this statement is attached as Exhibit 2.

9. In addition to this email, Adrienne Crane-Ross sent a ticket pricing and expense sheet dated June 11, 2003, to Tracey McFarland, at the Booking Group, for the proposed presentation of "Mamma Mia!" in San Bernardino which listed straight ticket pricing, with no discounts, that resulted in gross potential ticket sales of over \$1,000,000. A true copy of this ticket price schedule is attached as Exhibit 3.

10. On September 19, 2005, Harmony Artists sent The Booking Group a revised ticket price list which had lower ticket prices, resulting in gross potential ticket sales of \$988,632. A true copy of this ticket price schedule is attached as Exhibit 4.

11. On December 23, 2005, The Booking Group discovered that Theatrical Arts was selling tickets to "Mamma Mia!" on Ticketmaster for ticket prices even lower than those in Theatrical Arts' September 19, 2005 schedule. A copy of the email dated December 23, 2005

from Laura Kolarik, Senior Contract Manager for The Booking Group, to Adrienne Crane-Ross at Harmony Artists regarding the Ticketmaster ticket prices is attached as Exhibit 5.

12. Because tickets had already been sold at the lower Ticketmaster prices, Petitioner Mamma Mia! reluctantly agreed to incorporate those Ticketmaster prices into the final written Booking Agreement which was sent to Harmony Group for execution by Theatrical Arts on January 11, 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 16, 2006. New York, New York.

/s/ Kara Gebhart

KARA GEBHART